IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 15TH OCTOBER 2007 / 23RD ASWINA 1929

WP(C).No. 30453 of 2007(A)

PETITIONER:

1. U.KANNAN, SON OF UNNI MOOTHAN,
   VADAKKUMTHARA P.O., NELLISSERY THODI,
   PALAKKAD.

2. S.GOPALAKRISHNAN,
   VADAKKUMTHARA P.O., NELLISSERY THODI,
   PALAKKAD.

BY ADV. SRI.P.RAMAKRISHNAN

RESPONDENTS:

1. KERALA HEADLOAD WORKERS WELFARE BOARD,
   PALAKKAD LOCAL COMMITTEE, PALAKKAD.

2. THE ASSISTANT LABOUR OFFICER,
   1ST CIRCLE, PALAKKAD.

3. THE DISTRICT LABOUR OFFICER,
   PALAKKAD.

SHRI.KOSHY GEORGE, SC.

G.P. SHRI.A.J.VARGHESE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

==========

W.P.(C).No.30453 of 2007

==========

Dated this the 15th day of October, 2007

J U D G M E N T

The petitioners are headload workers possessing registration under Rule 26A of the Kerala Headload Workers Rules. They sought registration under the Kerala Head Load Workers (Regulation of Employment and Welfare) Scheme, 1983, as, according to them, they are working in the area alloted to pool No.9 of Palakkad Local Committee, which is an area notified under the Scheme, for more than a decade. Petitioners' grievance is that the 1st respondent is refusing to consider the claim on the ground that identity cards issued to the petitioners show their nature of work as "trolley worker". Petitioners' contention is that as per Section 2(m) of the Head Load Workers Act, Trolley workers are also head load workers. Therefore, the petitioners seek a direction to the 1st respondent to consider the claim for registration under the Scheme.

2. The learned Standing Counsel appearing for the 1st respondent submits that in the identity cards issued to the petitioners, the nature of work is shown as "hand cart worker"

and hence they are not eligible for registration under the Scheme. He further submits that if the petitioners produce their identity cards issued under Rule 26A duly corrected, the 1st respondent shall consider their claim for registration under the Scheme in accordance with the identity card issued to them.

3. Petitioners submit that they have already approached the 1st respondent to make changes in the identity cards issued to them.

4. I have heard the learned Government Pleader also.

5. In the facts and circumstances of the case, I dispose of this writ petition with a direction to the 1st respondent to consider the claim of the petitioners for registration under the Scheme, within two months from the date of receipt of the corrected identity cards after affording an opportunity of being heard to the petitioners. The petitioners shall produce a copy of this judgment before the 1st respondent along with the corrected identity cards, for compliance.

Sd/-

sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.